

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARC NORFLEET (R-57214)

Pro se Plaintiff,

-v-

Case No. 10-15-cv-160-JPG

~~GODINEZ, BENTON, BUTLER, GAETZ, GAETZ,~~
~~FLATT, DEAN, KEANE, SPILLER (I.D.O.C.)~~
IL. DEPT. OF CORR'S. ~~WILSON~~ ~~BROWN, EDWARDS~~
sued in their individual and official capacities.

Defendants.

COMPLAINT

INTRODUCTION/BACKGROUND

Plaintiff now timely files this

necessary 42 U.S.C. §1983, 42 U.S.C. §12132 (a)(b) Title II(A.D.A.) American Disability Act Fourteenth & Eight & First Amendment (Retaliation) complaint, that now includes new Defendants due to retaliation. As Defendants have never timely or otherwise responded to Plaintiffs previous complaint filings. Justice so requires that this complaint be permitted to proceed in this Court for the following reasons.

"Defendants continuous pattern of injuries knowingly inflicted upon Plaintiff."

Defendants continue to intentionally and deliberately deny to accommodate Plaintiffs "Radiculopathy" wheelchair confined A.D.A. qualified disability medical condition here in Pinckneyville Correctional Center (PNK.C.C.); since Plaintiffs arrival in retaliation for Plaintiff filing ~~complaints~~. Thus Defendants are attempting to break Plaintiff, through Plaintiff's eventual death from lack of exercise, from Plaintiffs United States Constitutional First Amendment Right to access to the Court for redress of grievances. First Plaintiff filed 09-c-347 at Lawrence C.C. THEN/NEXT Plaintiff filed this 10-c-626 JPG-PMF claim, due to eight intentional consecutive weeks of Menard Corr. Cntr. and I.D.O.C. Defendant director employee's refusing continuously to provide access to outside cell (wheelchair confined Plaintiff) access to exercise. Judge Gilbert dismissed the claim. Appeals Court reversed the claim See Marc NORFLEET v. Roger E. WALKER 684 F. 3d. 688 (7th Cir. 2002). Already filed was 09-c-347 JPG-PMF seeking a preliminary injunctive relief for A.D.A. accommodation

accommodating exercising equipment; and equal schedule as the non-disable inmates to utilize such possible equipment. A hearing was scheduled concerning the preliminary injunction issue within Benton Courthouse. Suddenly Plaintiff was transferred over to Menard Corr. Cntr., and denied A.D.A. wheelchair accommodating exercise equipment. Thus Menard employee's testified at the preliminary injunction hearing.

During the (09-3-347) preliminary injunction hearing held in Benton Federal Court house Menard Corr. Cntr.'s Defendant Mrs. Kimberly Butler, and I.D.O.C.'s 28 U.S.C. §35.104 federally mandated A.D.A. Coordinator Defendant Mr. Patrick Keane both knowingly untruthfully testified to Judge Phil Gilbert that Plaintiff would be transferred to an A.D.A. (exercise) accommodating Pinckneyville facility. When in fact Pinckneyville is not in compliance with Title II of the Rehabilitation Act of 1973 42 U.S.C. §12132, 29 U.S.C. §794. As a result of continuous non-compliance Plaintiffs shoulders pain has reached the point of no return. Also Pinckneyville employee's recently have began a pattern of not returning nor filing Plaintiffs disability related formal grievance complaints, U.S.C 1st, 8th, 14 Amend deprivation.

JURISDICTION

This Court has jurisdiction over Plaintiffs Federal claims pursuant to 28 U.S.C. §1331 and 42 U.S.C. §1343 (a) (3). This Court has jurisdiction over Plaintiffs state law claims pursuant to 28 U.S.C. §1367 and §504 Title II of Rehabilitation Act.

VENUE

This Court, the Seventh Circuit Southern District Federal Courthouse Melvin Price Federal Building P.O.Box 249 East Saint Louis IL.62202 28 U.S.C. §1391 (b)(2). As this venue is where the events in this claim occurred.

DEFENDANT'S

Defendant (Def.) - Salvadore A. Godinez an I.D.O.C. employee is the Director of the Illinois State Prison System at all times during this complaint. Def. Godinez at ALL times in this complaint (and outside of it) is responsible for Plaintiffs

welfare and safety specifically concerning compliance with the Rehabilitation Act. Def. Godinez is the I.D.O.C. Director who replaced Defendant Roger E. Walker. Def. Godinez employment address is 1301 Concordia Court Springfield IL. 62794-9277,

Def. Godinez is also responsible for overseeing ALL final responses to Plaintiffs formal filed institutional grievances. As Def. Godinez signs off on the grievances.

Def. Sherry Benton is an I.D.O.C. employee on the Administrative Review Board (hereafter A.R.B.) Chairperson. Def. Benton is legally responsible as the overseer whom dictated the final written/typed response to Plaintiffs PNK.C.C. grievances, and Menard C.C. grievances. Her address is 1301 Concordia Court Springfield, IL. 62794.

Def. Kimberly Butler is an I.D.O.C. employee was the head warden of programs over the A.D.A. programs and services offered to, not available, and not accessible to Plaintiff; but, available to and accessible to non-disable inmates. At all times during this complaint Def. Butler was responsible for Plaintiffs welfare and safety. Her address is 711 Kaskaskia Street Menard IL. 62259.

Def. Donald Gaetz is an I.D.O.C. employee, was the head warden of programs over the A.D.A. programs and services (did two warden job titles) offered to, not available and not accessible to Plaintiff, but available to and accessible to non-disable inmates. At all times during this complaint Def. Gaetz was responsible for Plaintiffs welfare and safety. His address is 5835 State Route 154/Box 999 Pinckneyville IL. 62274-3410. (other warden job title is head warden of PNK.C.C.)

Def. ~~Robert~~ is an I.D.O.C. employee was (Chief Administrative Officer) over all Menard C.C. disability programs and services concerning the events herein. He is legally responsible as overseer of the overall operations of Menard C.C. facility. His address is 711 Kaskaskia Street Menard, IL. 62259.

Def. ~~Robert~~ employee of the I.D.O.C. is a correctional officer within Menard C.C..

Def. ~~Robert~~ is legally responsible for the safety and welfare of Plaintiff. It was Def. ~~Robert~~ responsibility to assure Plaintiff was escorted to outdoor yard, at the scheduled time. As Plaintiff was under his assigned care at all times

~~during this complaints events; throughout eight weeks of exercise denial on and in housing unit North II, C-Wing within Menard C.C.'s old psychiatric hospital. His address is 711 Kaskaskia Street, Menard IL. 62259.~~

~~Def. ~~XXXXXX~~ an I.D.O.C. employee, one of various counselors within Menard C.C.. Def. ~~Goforth~~ is legally responsible for the initial investigation concerning Plaintiffs A.D.A. WELFARE GRIEVANCES RESPONSES she provides. Her address is 711 Kaskaskia Street Menard, IL. 62259.~~

~~Def. ~~XXXXXX~~, ~~XXXXXX~~ an I.D.O.C. employee one of various counselors within Menard C.C.. Def. ~~Goforth~~ is legally responsible for the initial investigation concerning Plaintiffs A.D.A. WELFARE GRIEVANCES RESPONSES she provides. Her address is 711 Kaskaskia Street Menard, IL. 62259.~~

Def. Gay Flatt an I.D.O.C. employee one of various within PNK.C.C. . Def. Flatt is legally responsible for the initial investigation concerning Plaintiffs A.D.A. WELFARE GRIEVANCE RESPONSES, HE SOMETIMES PROVIDED BY SOMETIMES NOT RETURNING PLAINTIFFS A.D.A. AND OTHER GRIEVANCES AT ALL. His address is 5835 State Route 154 Pinckneyville, IL. 62274-3410.

Def. K. Deen an I.D.O.C. employee is PNK.C.C. Grievance Officer responsible for providing "after investigation" the final response to Plaintiffs grievances at the PNK.C.C. institutional level. Concerning Plaintiffs herein events that gave rise to the herein claims. Her address is 5835 State Route 154 Pinckneyville IL. 62274-3410.

Def. Patrick Keane an I.D.O.C. employee is the head administrative office A.D.A. Coordinator over ALL and each I.D.O.C. facility within the State of Illinois. pursuant to the Federal U.S. Department of Justice mandate 28 C.F.R. §35.104. Def. Keane is legally responsible for assuring ALL I.D.O.C. facilities which house A.D.A. inmates in their custody ARE in compliance with Title II 42 U.S.C. §12132 (a)(b) and the Rehabilitation Act of 1973 29 U.S.C. §701-§794; for which I.D.O.C. receives Federal Grant Funds For. His address is 1301 Concordia Court Springfield, IL. 62794.

Def. ~~Thomas~~ Spiller is an I.D.O.C. employee and the head warden over ALL the events herein that give rise to the claim(s) herein. Also the head warden of Plaintiffs present place of confinement PNK.C.C.. Def. Spiller is legally responsible for all herein events that are as stated herein this complaint; as he is responsible for the final institutional level response to Plaintiffs A.D.A. grievance issues/claims. For denying Plaintiff complaine with A.D.A. disability exercise accommodations for receipt of beneficial and meaningful exercise. Thus caused irreparable injury to Plaintiff. His address is 5835 State Route 154 Pinckneyville, IL. 62274-3410.

Def. I.D.O.C. is the Illinois Department of Corrections "entity" that is sued in it's official capacity. As the federal funds are received by the I.D.O.C. and it's State actor employee's are and were suppose to use the funds in compliance with the U.S. Department of Justices grant stipulation. But the I.D.O.C. has not done so at all times during this complaint, and outside of this complaint still failing intentionally to apply the funds to accommodate Plaintiffs disability. Def. I.D.O.C's address is 1301 Concordia Court Springfield IL. 62794-9277.

Def. Wilson is an I.D.O.C. employee, and was (a/w) assistant warden of programs A.D.A. coordinator at PNK.C.C. at all times throught particular events herein. Def. Wilson was legally responsible for Plaintiffs welfare and safety during events herein. His address is now 1301 Concordia Court Springfield IL. 62794-9277.

Def. ~~Robert~~ is an I.D.O.C. employee at Menard C.C.. A correctoinal officer Lieutenant Supervisor legally responsible for Plaintiffs welfare and safety during particular events herein. His address is 711 Kaskaskia Street Menard IL. 62259.

Def Christine Brown is a Wexford Health Care employee by contract working at PNK.C.C. as it's Health Care Administrator. She is legally responsible for denying Plaintiff an A.D.A. accommodating "SPORT" wheelchair. As per Plaintiffs grievance (herein) said chair is need to accommodate for cardio "IF" track will be repaired. She is ALSO legally responsible for Plaintiffs welfare and safety here in PNK.C.C.. Her address is 5835 State Route 154 Pinckneyville IL. 62274.

Def. Michael Edwards is an I.D.O.C. employee (A/w) assistant warden of A.D.A. programs at PNK.C.C.. Def. Edwards Replaced (a/w) WILSON. Def. Edwards is legally responsible for getting A.D.A. Compliance officer Administrations Def. Patrick Keene to provide disability accommodations such as free weights (like all the other medium and maximum facilities have EXCESS abundance of) and repair wheelchair cardio track-padded fingerless (as use to) gloves-sport (lower center of gravity) wheelchair(s), dip-bar and pull-up bars that are wheelchair accessible. Ohh, and wheelchair accessable card tables on yard and in gym and dayroom.

But, Def. Edwards intentionally is deliberately indifferent to Plaintiffs need for accommodation in compliance with Title II and 1973 Rehabilitation Act etc.. Def. Edwards is legally responsible for providing A.D.A. accommodations for Plaintiffs welfare and safety concerning the events herein this complaint per his grievance response of intentional indifference AS THE OTHERS CAUSING INNOCENT, NEEDLESS SUFFERING. His address is 5835 State Route 154 Pinckneyville IL. 62274-3410.

STATEMENT OF FACTS

Prior to Plaintiffs incarceration in the I.D.O.C. Plaintiff was diagnosed with a severe back impairment and radiculopathy (which is defined as a disease of the nerve roots and/or compression of the spine) also receiving disability benefits prior to all incarceration.

~~Plaintiff was intentionally denied the fresh air of the recreational by Def. I.D.O.C. at Menard C.C. by Def. Gushman, Def. Goforth (someone made up the policy), Def. Durham, Def. Hulich due to Plaintiffs A.D.A. status, as the policy ONLY injured effected wheelchair-bound disable inmates and ONLY AFTER GRIEVANCES WERE WRITTEN was the policy invented and placed into affect. Thus the aforementioned Defendants in this paragraph retaliated against Plaintiff (and other disabled) for exercising Plaintiffs First Amendment U.S.C. Right to the I.D.O.C. grievance process and access to the courts. Policy done to deter complaint. This paragraphs aforementioned Defendants knowingly and intentionally deprived Plaintiff of his Title II 42 U.S.C. §12132(a)(b)~~

~~42 U.S.C. §12101, Rehabilitation Act of 1973 U.S.C. First and Fourteenth Amendment Rights; done by the policy of "if less than 10 inmates want yard, it is policy not to have it. However once 10 want yard it is made up on what is ordinarily is not a yard day. See, all the NON A.D.A. inmates were out on scheduled yard. Where A.D.A. was to be allowed also BUT INSTEAD DISCRIMINATED AGAINST on April 14, 2008 continuously throughout May 26, 2008, and again on June 16, 2008. The Defendants lied, as there was and is no make up yard day/time for inmates whom refuse scheduled yard.~~

Menard C.C.'s Def. Butler along with I.D.O.C. Def., and it's Def. Keane-A.D.A. compliance officer(A.D.A. facilities coordinator) did attend Plaintiffs preliminary injunction hearing, via. tele-video. Plaintiff was transported from Menard C.C. and appeared in person at the 09-c-347 JPG-PMF hearing in Benton Illinois, Judge Phil Gilbert presiding.

Defendant Butler testified that Menard C.C. does not possess any exercise equipment that would accommodate an inmate in a wheelchair, such as Plaintiff. That Plaintiff would be transferred to PNK.C.C. upon completion of Plaintiffs Menard C.C. stay. After Plaintiffs Menard C.C. stay was complete Def. Butler in retaliation for Plaintiff exercising his U.S.C. First Amendment access to the Courts knowingly and intentionally refused to timely transfer Plaintiff to PNK.C.C..

(See Ex.A page 1 of 1).

Def. Keane testified that Plaintiff would be provided proper A.D.A. disability accommodations to acquire beneficial and meaningful exercise once Plaintiff is relocated within PNK.C.C..

Judge Phil Gilbert denied Plaintiffs preliminary injunction request of necessity for reason of claimed safety and security. Furthermore judge Gilbert instructed Plaintiff to repeatedly push himself off a cell wall for in cell wheelchair exercise until transferred to PNK.C.C..

On March 21, 2013 Plaintiffs prior 09-c-347 JPG-PMF attorney completed a deposition of Def. I.D.O.C.'s A.D.A. compliance officer Def. Keane. Where Def. Keane recklessly

recklessly stated THE DEPARTMENT OF CORRECTIONS DOES NOT HAVE AN OBLIGATION TO ENSURE THAT WHEELCHAIR BOUND OFFENDERS COULD ACCESS OR USE THAT PULL-UP BAR. 3/21/13. See deposition 'Marc Norfleet v. Roger E. Walker et al.(Def Keane Dep.09-c-347.. (EX. B) QUOTE:

Q. February 1st of 2012 did you obtain your current job position?

A. Yes.

Q. And that title is Department of Corrections statewide A.D.A. Compliance coordinator?

A. Compliance officer, and I'm also the programs compliance officer for the office of programs and support and services.

Q. I don't want to misspeak. Is it A.D.A. compliance officer or just compliance officer?

A. Americans With Disabilities Act compliance officer.

Q. And programs-

A. -compliance officer

(Ex.B pg.9 lines 2-15)

and

QUOTE:

Q. That's a very good question. Does the Department of Corrections at least have to look and see if a reasonable accommodation could be made?

A. For?

Q. A wheelchair inmate that wants to participate in soccer.

A. No

Q. And why not?

A. Because as I stated previously, the only thing the Department of Corrections provides is access to recreation. What the person does with it at that point and time. Now unfortunately, we do have offenders that are in wheelchairs, as their body decides their limitations, not the

Department of Corrections. And I mean that unfortunately. It's a very sad thing.

Q. I want to ask this one other way because I want to make sure that I understand what you are saying. At a lot of the facilities in the yard their exist pull-up or chin up bars. You familiar with that term?

A. I'm familiar with it yeh.

Q. From what you have just told me previously the Department of Corrections does not have an obligation to ensure that wheelchair-bound offender could access or use that pull-up bar?

A. During recreation time I believe so yes.

(Ex.B pg.47 lines 2-24 & pg.48 lines 1-3)

Thus it's clear from the above quote, that Def. Keane has knowingly and intentionally retaliated against Plaintiff; "by (inference based on all the herein grievance replies) deliberately instructing ALL I.D.O.C. facilities A.D.A. (a/w) assistant warden's -- A.D.A. coordinators over programs-activities which house Plaintiff such as PNK.C.C., That they are NOT OBLIGATED by 42 U.S.C. §12132 (a)(b) and the Title II of the A.D.A. or Rehabilitation Act of 1973 28 U.S.C. §794. to attempt to make disability accommodations for Plaintiff to receive beneficial and meaningful exercise. As a result of this on going continuous pattern of intentional retaliation Plaintiffs physical injuries (stated further on herein) continue to become worse. Permanent Shoulders injury PAIN ALWAYS and limited range of motion, constipation, stomach cramps, migraine headaches are what Plaintiff suffers from due really to Def.'s failure to accommodate Plaintiffs disability over the years AND PRESENTLY in a continuous PATTERN; resulting in continuous injuries to Plaintiff. Plaintiff had to write a formal grievance in order to motivate Def. Butler to keep her word from the Benton Court hearing. As Def. Butler did not keep her word, but instead intentionally held Plaintiff in Menard C.C. beyond his scheduled

release date in retaliation for her having to appear at Plaintiffs preliminary injunction hearing. As seen stated in the following attached grievance quote, after Plaintiff arrived in PNK.C.C..

QUOTE:

Today on the above date I was unable to attend the once per week PNK. one hour per week claimed A.D.A. gym do to not being issued a movement pass.

Dispite I'm unable to utilize any of the exercise equipment, I should be allowed to attend A.D.A. gym five hours per week to try to get access to the one card table.

Relief Requested: Please issue me an A.D.A. gym pass 5 times per week for 5 opportunities to attend 1 hour sessions, or 1 pass per week to attend 1 - 5 hour session. "At least issue a pass to me"

(Ex.C pg.1 of 3).

QUOTE:

[Def.]]A/W Wilson A.D.A. Coordinator indicated grievant is offered yard 7 hours per week and has access to A.D.A. gym line that is offered once per week therefore grievant has been provided with appropriate amount of access for recreaion.

[Def.]D. Gaetz concurred with A/W Wilsons ,by check-mark and signature on grievance officers grievance response page.

(Ex.C pg.2 of 3).

QUOTE:

It appears you were left off the list.[Def.Benton and Def.Godinez]

(Ex.C pg.3 of 3).

While in Pinckneyville Plaintiff wrote another AWARENESS grievance 42 U.S.C.§12132. dated March 28,2013.

QUOTE:March 28,2013

I'm unable to access Pinckneyville Correctional Centers Pull-up-Dip Bars,cardio wheelchair exercising Track in the third yard,Gyms individual weight baring exercising machines,handball court & basketball court,track due to moving in and out of wheelchair aggravates medical condition AND due to no sport wheelchairs provided by PNK.C.C. for anti-tipping over upon aggressive movements - attempting to participate in beneficial and meaningful exercise similar to the non-disable. And thus no gym schedule Equal To Non-Disable yard schedule.

Relief Requested:Please provide access to beneficial & meaningful exercisie equipment & an equal accommodating schedule to do so.

(Ex.D pg.1 of 3).

QUOTE:

[Def.]A/W Wilson A.D.A. Coordinator indicated grievant is offered yard 7 hours per week and has access to A.D.A. gym line that is offered once per week, therefore grievant has been provided with the appropriate amount of recreation. Additional A.D.A. equipment has been ordered for yard/gym activities.

[Def.]C. Brown HCUA indicates that wheelchair provided to grievant meets A.D.A. standard for use in I.D.O.C. facility.

[Def.]D. Gaetz concurred with Def. Wilson and Def. Brown, by check-mark and signature on grievance officers grievance response page.

(Ex.D pg.2 of 3).

QUOTE:

(Ex.D pg.3 of 3).
Can't effectively use gym equipment; A.D.A. gym schedule - Dates of incidents not cited. [Def. Benton and Def. Godinez]

While in Pinckneyville Plaintiff wrote another AWARENESS grievance 42 U.S.C. §12132, dated September 06, 2013 of which PNK.C.C. Def.'s refused to answer by falsely stating duplicate grievance to the previous herein quoted and attached "4-1-13" Ex.D and another (which the prison has not supplied adequate access to excess legal boxes). As the Court can see it's not a duplicate topic. It's not answered in retaliation intentionally for filing this claim. Defendants refuse to accommodate.

QUOTE:

Previously I've written numerous request slips to warden Mr. Donald Gaetz & Counselor informing them that the track yard (#3 yard) is open. That I attended it on Monday August 26, 2013, Sept. 4th & 5th but could not obtain beneficial and meaningful A.D.A. wheelchair cardio exercise. Because the track is full of old hard chunky dirt & mire. Also because I don't have any palm padded gloves like the ones PNK use to issue back before the track yard closed over a year ago. Also because I don't possess a sport low center of gravity wheelchair to avoid flipping upon speed.

Relief Requested: Since request slips were not responded to, I formally request the A.D.A. counselor to contact Springfield's A.D.A. counselor & inform him of the abovementioned & the NAME NORFLEET & see if he can get medical Dept. to now once again commence distributing wheelchair PADDED gloves to Avoid Blisters/Pain upon cardio in track yard that's newly reopened 42 U.S.C. §12132(a)(b).

(Ex.E pg. 1 of 1). END QUOTE

While in Pinckneyville Plaintiff wrote another AWARENESS grievance 42 U.S.C. §12132, dated March 24, 2014 (still awaiting Def. Benton and Def. Godinez Response)

QUOTE:

I complain that I am unable to utilize the one wheelchair accommodating

pull up bar on the 2 separate 75 minute days it's sometimes made available to me outside on the third yard due to my worsening shoulder condition. Phil Gilberts instructions to me to use a wall in the cell and repeatedly push myself off, has not helped my shoulders. My headaches, stomach cramps, sluggishness and often constipation are getting worse due to the denial of wheelchair accommodating exercise equipment. As non-disable are able to run around and utilize all the gym & yard exercise equipment. I can't utilize the exercise equipment because it requires me to experience more & more & more pain on my RADICULOPATHY chronic condition having to transfer in & out of wheelchair after inflaming condition.

Relief Requested: Free weights, ie. dumbbell provided as ALL maximum & most medium I.D.O.C. facilities have.

(Ex.F pg. 1 of 2)

QUOTE:

[Def.] A.D.A. Coordinator AWP Edwards reviewed grievance and indicated issue appears to be a non-A.D.A. issue.

(Ex.F.pg. 2 of 2)

While in PNK.C.C. (Pinckneyville) Plaintiff wrote another AWARENESS grievance dated August 15, 2014 consisting of two pages and an exhibit copy of Marc Norfleet v. Roger E. Walker Jr. et al. U.S. Appeals Case No. 11-2137. Handwritten copies were U.S. mailed to Def. Keane and institutional mail to Def. Edwards on 08/15/14.

QUOTE:

ALieutenant suggest I seriously speak to you before I file suit over the following. And nay. it's your duty under Federal Law (ie; U-S. Department of Justice) to tell on" send your complaint concerning ANY of Wexfords contracted Staffs failure to provide adequate A-D-A. accommodations here in Pinckneyville to Springfields Mr. Patrick Keane. Something you "HAVE NOT BEEN DOING ACCORDING TO KEANES DEPOSITION. You called health care & as I said in my medical file PNK.C.C.'s Wexford Physician is suppose to prescribe gloves to accommodate FOR USE OF THE TRACK YARD TO accommodate I HAVE BLISTERS AND CAN'T DO CARDIO. See Attached Case Norfleet v. Walker thats PENDING". "Hand blisters" I want padded Gloves.

(E'x-G.pg. 1 of 4)

QUOTE:

In retaliation for filing formal complaints on physician Mr Vipin Shah and Health Care Administrator Mrs. Christine Brown I presently plan on filing in Federal Court and for return of the funds I was and am forced to pay- in State Court.

I'm the Only Wheelchair Bound/A-D-A. inmate whom is forced through pain to have to pay \$5.00 Nurse Sick Call fee EVERYTIME MY A-D-A. Nerve Pain-Muscle Spasm swelling CONDITION ACCOMMODATING Medications expire.

The law states that chronic conditions (ie long term elements) are

'exempt from the \$500 N.S.C. Co-pay. So Mrs. Brown told me in writing that since the physician only prescribes short term pain medication that (if & once my chronic pain becomes unbearable) I must pay \$5.00 for my Disability accommodating medication to be renewed &/or dispensed to me.

So far this has happened about \$40.00 of & \$5.00 charges worth I want the money refunded & to be placed on chronic pain clinic like EVERY OTHER WHEELCHAIR Bound inmate that see's to it their accommodation medication doesn't expire. 2 of 2 Non-formal Letter

Truly



(Ex.G.pg.2 of 4)

QUOTE:

Norfleet v. Walker cite as 684 F.3d.688 Marc Norfleet (submitted). Pinckneyville, IL. pro se Before POSNER MANTON. and KANNE. Circuit Judges

POSNER Circuit Judge Vacated and Remanded
2. Civil Rights 1098.1395(7)

Illinois state prisoner preceeding pro se stated claim against several prison employees under Rehabilitation Act regardless of whether the Americans with Disabilities Act (ADA) under which prisoner nominally brought his claim was available to him by alleging that he was wheelchair-bound and that he was denied recreation time due to his disability and he sued employees in their official capacities such that suit was really against state agency and one that received federal assistance Rehabilitation Act of 1973 §§ 7(9)(B). 504.29 U.S.C.A. §§ 705 (9)(B). 794; Americans with Disabilities Act of 1990. § 3 (1)(A). 42 U.S.C.A. § 12102(1)(A).

(Ex.G.pg.3 of 4)

QUOTE:

A recommended aerobic sport can be wheelchair racing. The benefits of this activity are that you can perform the race at your own pace Wheelchair racing can be done by pushing your wheelchair on a running track or in a neighborhood. Start out each workout with light intensity to warm up the muscles. As you feel more comfortable add more intensity to the workout by racing at a faster pace"

Ex.G.pg.4 of 4)

Def. [REDACTED] Def. [REDACTED] Def. Platt and Def. Dean knowingly and intentionally sabotaged many of Plaintiffs I.D.O.C. formal grievances regarding failure to accommodate Plaintiffs disability condition regarding exercise and also medical care. Thus recklessly depriving Plaintiff of his U.S.C. First Amendment Right to Full and Complete access to the Courts. As a result of the sabotage of many of Plaintiffs grievances by the Defendants stated within this paragraph Plaintiff now suffers the

inability to prove that Def. I.D.O.C..Def. Godinez.Def.Benton.Def.Spiller.Def.Gaetz Def.Edwards.DEF. PATRICK KEANE Def. Brown "HAVE NOT ORDERED (any), ANY,A - N - Y , a - n - y disable wheelchair-Bound A.D.A. disability accommodating exercise NEEDED equipment in compliance with Federal Law- U.S. Dept. of Justice MANDATE. et cetra As over three years ago Def. Patrick Keane stated durring the preliminary injunction hearing that he would see to that the necessary disability accommodations would be made. Yet in Def. Keanes deposition he states exactly what he is telling his subordinates: That ALL the I.D.O.C. facilities have to do is provide access to the recreation yard/gym and what a disable inmate does with that time is limited by their/Plaintiffs disability is up to the individual. That Def. PATRICK KEANE NOR ANY OF HIS I.D.O.C. A.D.A. FACILITY COORDINATORS HAVE ANY OBLIGATION TO HONOR AN INMATES REQUEST FOR I.D.O.C. staff to attempt to accommodate Plaintiffs disability to possibly be able to utilize ANY exercise equipment.

MEMORANDUM OF LAW

QUOTE: To prevail on his First Amendment retaliation claim. Plaintiff must show that "(1) he engaged in activity protected by the First Amendment; (2) he suffered a deprivation that would likely deter First Amendment in the future; and (3) the First Amendment activity was 'at least the motivating factor' in the decision to take the retaliatory action". Bridges v. Gilbert 557 F. 3d 541-546 (7th Cir.2009) (quoting Woodruff v. Mason. 542 F. 3d 545-551 (7th Cir.2008); Gomez v. Randle.680 F. 3d.859 .866 (7th Cir. 2012). If Plaintiff makes a threshold showing Defendants must show that they took action for a legitimate reason. Plaintiff must then offer evidence that the purported legitimate reason for the adverse action is untrue. Thaver v. Chiczewski. 705 F. 3d. 237.252 (7th Cir. 2012)

Ex.H pg. 1 of 1)

PRELIMINARY INJUNCTION

Plaintiff moves this Court pursuant to F.R.C.P. Rule 65 for the issuance of a preliminary injunction against all herein Defendants this Court deems necessary. An injunction ordering the necessary herein Defendants to get in compliance with U.S. Dept of Justice 28 C.F.R. § 35.104. Title II 42 U.S.C. §12101-§12132 (a)(b) 29 U.S.C. §794 of the Rehabilitation Act of 1973 and U.S. Court of Appeals Case

No.11-2137 Marc Norfleet v. Roger E. Walker Jr. et al. Get in compliance by ordering necessary Defendants such as Def. I.D.O.C. and Def.Godinez.Def. Keane to provide Plaintiff with beneficial and meaningful exercise and an exercise schedule at least equal to the non-disabled inmates to utilize the possible purchased.repaired replaced.modified A.D.A. disability accommodating exercise equipment to accommodate Plaintiffs disable recreation essential life necessity.NOW. As Case 11-2137 states Def. I.D.O.C. receives Federal finicial assistance See 28 U.S.C. §2283-§2284 See Guardians Ass'n v. Civ.Serv. Com'n of City of N.Y. 463 U.S. 582 at633.103 S.Ct.3221 at3248 QUOTE:

The obligation to comply with the law attached at the time respondents agreed to take federal money.not when the District Court concluded that Respondents had violated ~~the law.~~

Plaintiff seeks the Defendants to APPLY the Federal Grant Funds to be utilized to RETURN the free weights (transportation cost) back to PNK.C.C. from the excess in Dixon C.C. AND/OR (their choice) Big Muddy C.C.. repair PNK.C.C; repair of the wheelchair cardio track in the track yard.and re-prescribe (Def.Brown) fingerless padded (GRIP) leather track gloves.and purchase sport wheelchair's; purchase or make accessible dip-bars and accessable pull-up-bars;purchase wheelchair accessable card tables for yard and gym (so non-disable and wheelchairs .a mix of four can fit at table. Appoint a Special Master to assure Defendants properly comply and timely comply with this Court preliminary injunctive order. As Plaintiffs present abovementioned internal injuries are slowly KILLING Plaintiff, painfully so..PLEASE.

PERMANENT INJUNCTION

Plaintiff seeks an eventual permanent injunction. Plaintiff seeks this Court or it's jury to award all and everything requested in the abovementioned preliminary injunction;But, expand the request to include ALL I.D.O.C. facilities to have to obtain and provide the abovementioned exercise equipment.for ALL I.D.O.C. facilities to end up in compliance with Title II of the A.D.A. 42 U.S.C.§12101-§12132(a)(b). (b) of which incarcerate/house wheelchair bound inmates.

DECLARATORY JUDGMENT

Plaintiff moves this Court pursuant to F.R.C.P. Rule 57 for declaratory judgment pursuant to Title 28 U.S.C. §2201(per rules 38 &39 -???). Plaintiff seeks this Court to clairify for ALL parties hereto what being in compliance with Title II of the(A.D.A.) American Disability Act or is it Americans with Disabilities Act; additionally what compliance with the Rehabilitation Act of 1973; 42 U.S.C. §12101 -12132(a)(b) & 29 U.S.C. §794. Also clairify what compliance with 28 C.F.R. §35.104 entails for Defendants to do so..

EXHAUSTION OF LEGAL REMEDIES

Plaintiff has exhausted the institutional grievance process as seenaforequoted herein this amended complaint in accordance with F.R.C.P. Rule 1997 (e). The Seventh circuit has held in Ford v. Johnson et al 362 F. 3d. 95 (7th Cir.2003) The I.D.O.C.'s unjustified failure to comply with the code and timely respond to Fords grievances caused his remedies to become unavailable under Sec. 1997 (e). The I.D.O.C. should not be given unfettered discretion in administering the grievance process and controlling inmates Constitutional rights.

FEE'S AND COURT COST

Plaintiff request to be awarded ALL fee's and Court cost associated with this entire 42 U.S.C. §1983 Court action from it's beginning to it's end from Defendants in full.

COMPENSATORY DAMAGES

Against Def. GONINEZ in his official capacity award compensatory damages in an amount of \$2,000,000 per intentional Title II U.S.C. 1st & 14th & 8th Amend. Deprivations abovementioned present PAIN & SUFFERING.

Against each of the following Defendants separately award from each individual up to and including \$2,000,000 for intentionally depriving Plaintiff of his Title II-A.D.A..U.S.C 1st and 14th & 8th Amend. rights causing permanent physical

injury to Plaintiff. from Defendants. GODINEZ BENTON. BUTLER. GAETZ. ~~WILSON. BROWN. EDWARDS.~~
 FLATT. DEAN. KFANE. SPILLER. IL DEPT OF CORR'S. WILSON. ~~BROWN. EDWARDS.~~

PUNITIVE DAMAGES

Against each of the following Defendants separately award from each individual up to and including \$2,000,000 for intentionally depriving Plaintiff of his Title II-A-D-A. U.S.C. 1st and 14th & 8th Amend rights causing permanent physical ~~shoulders~~ iniury to Plaintiff from Defendants GODINEZ. BENTON. BUTLER. GAETZ. ~~WILSON. BROWN. EDWARDS.~~
 FLATT. DEAN. KFANE. SPILLER. IL DEPT OF CORR'S WILSON. ~~BROWN. EDWARDS.~~

1. The 14th Amendment's Due Process clause and it's Equal protection of the laws clauses.
2. The 8th Amendment's Cruel and unusual punishment clause.
3. The 1st Amendment's right to access to the Courts for redress of grievances.

AFFIDAVIT/PROOF OF SERVICE

I. Marc Norfleet Pro-se Marc Norfleet have read the foregoing amended complaint and hereby verify it's facts to be true to the best of Plaintiffs belief upon Plaintiffs sworn oath pursuant to 18 U.S.C. §1621. I further declare under penalty of perjury that I have mailed an original copy of this amended complaint to this Court at U.S. District Court Southern District Court of Illinois, Melvin Price Federal Building & U.S. Courthouse, 750 Missouri Avenue East St. Louis IL 62201. And one copy of this amended complaint has ~~not~~ mailed to Defendants Attorneys office to: Illinois Attorney Generals Office. ATTN: Lisa Madigan No. 10-c-626 (10-c-626) 500 South Second Street Springfield IL 62706. by placing a copy in the institutional mail for the prison staff to add postage and place all copy in the U.S. Mail on this ~~10th~~ day of February, 2015

Clerk Return Correspondence: file stamped copy of Page 1 of this document to I. Marc Norfleet at 5835 State Route 154/Box 999 Pmckneayville, IL 62274-3410 PLEASE & Plaintiff is denied all law library copy machine paper access & thus has no copy to mail Defendants. As Clerk the Defendants due to their subordinates denying law library access will have to see courts website
 301 W. Main Street Benton IL 62812
 (618) 439-7760 Judge Phil Gilbert's Ct. electronic filing cite Please notify Defendants
 And for the record, unbeknownst to Plaintiff as to when, Plaintiff mother received a settlement amount of \$26,000 from Plaintiff prior attorney in case No. 04-C-2952, 05-C-0898, 05-C-0926 and 07-C-4407 around May 2008. Mother put \$26,000 in her funds & spend it.
Clerk Please in addition Return file stamped copy of this original to Plaintiff AND a Motion For Appointment of Counsel ^{17 of 17} AND A MOTION TO PROCEED IN FORMA PAUPERES.